

COMMISSIONERS
Daniel W. Richards, President
Upland
Michael Sutton, Vice President
Monterey
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

EDMUND G. BROWN, JR.



Governor

Sonke Mastrup
EXECUTIVE DIRECTOR
1416 Ninth Street, Room 1320
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA

Fish and Game Commission

March 23, 2012

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to Central marine protected areas, which will be published in the California Regulatory Notice Register on March 23, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Ms. Marija Vojkovich, Manager, Marine Region, Department of Fish and Game, (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861 and 6750 of the Fish and Game Code, and Sections 36725(a) and 36725(e), of the Public Resources Code, and to implement, interpret or make specific Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500 of the Fish and Game Code, and Sections 36700(e), 36710(e), 36725(a) and 36725(e) of the Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to marine protected areas.

Informative Digest/Policy Statement Overview

Background

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including marine protected areas (MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. The Marine Managed Areas Improvement Act (MMAIA, Stats. 2000, ch. 385) standardized the designation of marine managed areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

Existing regulations (the no-change alternative) consist of five MPAs covering an area of 3.1 square miles (sq mi), representing 0.3 percent of the state waters within the MLPA North Coast Study Region (NCSR). Sixty-six percent of the protected area is within no-take state marine reserves covering 2.1 sq mi or 0.2 percent of the state waters within the MLPA NCSR.

The regulatory action is intended to meet the goals described in the MLPA within a portion of California's State waters. The area covered in this regulatory action is the MLPA NCSR, defined as State waters from the California-Oregon border to Alder Creek, near Point Arena in Mendocino County. This region covers approximately 1,027 sq mi of state waters. The MLPA goals focus on improving the connectivity and effectiveness of California's existing array of MPAs to protect the State's marine life, habitats, and ecosystems. The MLPA specifically requires that the Department of Fish and Game (Department) prepare a master plan and that the Fish and Game Commission (Commission) adopt a Marine Life Protection Program and regulations based on the plan to achieve the MLPA goals (Fish and Game Code Section 2855).

The MLPA requires that the program, in part, contain an improved marine life reserve (now state marine reserve) component [Fish and Game Code subsection 2853(c)(1)] and protect the natural diversity of marine life and the structure, function, and integrity of marine ecosystems [Fish and Game Code subsection 2853(b)(1)]. This protection may help provide sustainable resources as well as enhance functioning ecosystems that provide benefits to both consumptive and non-consumptive user groups. The program may include areas with various levels of protection (LOP) through MPAs that may allow for specified commercial and recreational activities. These activities include but are not limited to fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided these activities are consistent with the objectives of the area and the goals and guidelines of the MLPA.

Regional Implementation of Marine Life Protection Act

Important in developing the Proposed Regulation was the consideration for the north coast MPAs to form a component of a statewide biological network. The north coast is the fourth of five study regions to be implemented through the MLPA.

The Proposed Regulation establishes a network component of MPAs for the north coast designed to include all representative north coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection. From an ecological perspective, the Proposed Regulation creates a network component of MPAs in the north coast consistent with the goals of the MLPA. The Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Proposed Regulation

The Proposed Regulation includes 19 MPAs, one MMA, and seven special closures for the NCSR. Of the 19 MPAs, 15 are new and four are existing MPAs. Of the 15 new proposed MPAs, eight MPAs include sub-options for boundaries or allowed take. The Proposed Regulation also amends the boundaries and allowed take of the four existing MPAs to meet the Department's feasibility guidelines and to facilitate public understanding. One existing MPA, the Punta Gorda State Marine Reserve (SMR), would be removed and replaced by two proposed nearby SMRs.

The three classifications of MPAs used in California to reflect differing allowed uses are SMR, state marine conservation area (SMCA), and state marine park (SMP). Public Resources Code Section 36710 lists the restrictions applied in these classifications. Two of these classifications, SMR and SMCA, are utilized in the Proposed Regulation. One MMA classification known as a state marine recreational management area (SMRMA) is a component of the Proposed Regulation. Public Resources Code Section 36700(e) lists the restrictions in this classification. The Commission has the statutory authority to designate SMRs, SMCAs, and SMRMAs; however, the third MPA classification, SMP, may only be created, modified, or deleted under the authority of the State Park and Recreation Commission [Public Resources Code Section 36725(b)].

Pre-existing activities and artificial structures including but not limited to utility cables, bridge maintenance, maintenance dredging, and habitat restoration occur throughout the NCSR. These activities may result in incidental take. However, the activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under the MLPA. Out of the 19 MPAs and one MMA in the Proposed Regulation, three have been identified as having various existing activities regulated by other agencies. These activities are specified within the proposed MPA regulations to make explicit that these regulated activities are allowed to continue under current permits. The Department provided details regarding these activities, and other unresolved issues requiring the Commission's input, at the Commission's October 19, 2011 meeting.

Beginning in July 2009, the Department and Marine Life Protection Act Initiative (MLPAI) staff began discussions with north coast tribes and tribal communities regarding the MLPAI north coast MLPA planning process. At the Commission's June 29-30, 2011 meeting, staff provided three options developed to accommodate tribal take in MPAs on the north coast. The Commission chose Tribal Option 1 to provide for specific non-commercial tribal uses by federally recognized tribes. The Commission asked the federally recognized tribes to submit a factual record of historic and current uses in specific geographies, other than SMRs, to the Commission

within 60 days. The Commission directed the Department to develop regulatory language defining tribal take using specific criteria. The criteria the Commission identified required any tribal member taking living marine resources to possess an identification card issued by a federally recognized tribe, a valid California fishing license for persons 16 years and older, and any valid report card, validation, permit or any other entitlement that is required by applicable federal, state, or local law. The Commission also decided that all tribal take must be consistent with existing regulation. The Commission received six factual records representing twenty-four federally recognized north coast tribes and tribal communities prior to the 60-day deadline. The factual records identified eleven MPAs for tribal use with overlapping requests in some MPAs by specific tribes. In addition to the factual records, the Commission received two letters calling attention to intertribal agreements. These intertribal agreements are transactions between tribes and tribal communities wishing to take resources within the ancestral territories of other tribes and tribal communities, and need to be negotiated between those tribes. The regulations for the NCSR MPAs will not be changed based on intertribal agreements but will reflect tribal take in specific MPAs as they were listed in the factual records received by the Commission.

Take "from shore only" is currently proposed at Double Cone Rock SMCA and Big River Estuary SMCA in the Proposed Regulation. Two existing MPAs outside of the study region also include take restricted to shore only. Due to confusion over the interpretation of what it means to "take from shore only", the Proposed Regulation includes a general definition for take "originating from shore" that would apply to the Proposed Regulation as well as other MPAs coastwide that allow shore only fishing.

Regulatory Sub-options

Regulatory sub-options are included for eight of the proposed MPAs within the Commission's Proposed Regulation, to provide alternatives to either boundaries or take regulations in the Proposed Regulation that address Department feasibility concerns, as requested by MLPA Initiative staff or stakeholders.

Proposed Regulation Details

The 19 MPAs, one MMA, and seven special closures in the Proposed Regulation encompass geographically 136 sq mi, representing 13 percent of the approximately 1,027 sq mi of state waters within the north coast region. No-take SMRs encompass 51 sq mi or five percent of state waters within the north coast region. The remaining areas are primarily SMCAs and one SMRMA that allow some fishing activity, covering an area of 85 sq mi or eight percent of state waters within the MLPA NCSR.

Alternatives to Regulation Change

Alternatives to the Proposed Regulation were provided by the North Coast Regional Stakeholders Group (NCRSG) and Blue Ribbon Task Force (BRTF) to meet the purposes of the regulatory action but were not selected as the preferred alternative. Each alternative, with the exception of the no-change alternative, meets the goals and guidelines of the MLPA to varying degrees, and attempts to adhere to the SAT guidelines in the draft master plan to the extent possible.

Alternative 1 – This is the Enhanced Compliance Alternative (ECA), developed by the BRTF using the NCRSG proposal and input by constituents representing a variety of consumptive, non-consumptive, and environmental interests. It consists of 21 proposed MPAs and seven special closures covering an area of 134 sq mi, representing 13 percent of the approximately 1,027 sq mi of state waters within the north coast region. No-take SMRs or "very high protection" SMCAs that do not allow fishing encompass 51 sq mi or five percent of state waters

within the MLPA NCSR. The remaining MPAs encompass 83 sq mi or eight percent of state waters within the MLPA NCSR.

No-Change Alternative

The no-change alternative would leave existing MPAs in state waters of the MLPA NCSR unchanged. This alternative does not address the goals and requirements of the MLPA.

Benefit of Proposed Regulation

The benefit of the Proposed Regulation is the creation of a network component of MPAs in the north coast consistent with the goals of the MLPA. From an economic and social perspective, the Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The California Department of Parks and Recreation (State Parks) provided input on issues related to their concerns and jurisdiction during the development of the Proposed Regulation. Pre-existing activities and artificial structures including but not limited to utility cables, bridge maintenance, maintenance dredging, and habitat restoration occur throughout the NCSR. These activities may result in incidental take. However, the activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under the MLPA.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, April 11, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, June 6, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, June 1, 2012 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on Monday, June 4, 2012. All comments must be received no later than June 6, 2012 at the hearing in Eureka, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Manager, Marine Region, Department of Fish and Game, (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons (ISOR), including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Proposed Regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The Proposed Regulation may have negative impacts on commercial and recreational fishing operations and businesses.

The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a first order impact analysis, meaning that it only assesses potential impacts up to the dock (i.e., for commercial, commercial passenger fishing vessel and recreational fisheries). Furthermore, a key assumption of this analysis is that estimates represent maximum potential impacts. An assumption made in the analysis is that the Proposed Regulation completely eliminates fishing opportunities in areas closed to specific fisheries and that fishermen are unable to adjust or mitigate in any way. In other words, all fishing in an area affected by a marine protected area (MPA) is lost completely, when in reality it is more likely that fishermen will shift their efforts to areas outside the MPA. The effect of such an assumption is most likely an overestimation of the impact, or a "worst case scenario."

The estimates of maximum potential impacts shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by MLPA contractor Ecotrust, and either reported in various documents to the Science Advisory Team (SAT), NCRSG, and BRTF or generated using the GIS data analysis tool created by Ecotrust. Ecotrust interviewed fishermen to determine both locations of fishing activities and the relative importance of each location. In other words, areas identified were considered by the level of importance placed on those areas relative to total fishing grounds; these are referred to as areas of "stated importance" in analyses. Ecotrust's importance indices were combined with cost share information (gathered during the interviews) to measure the maximum potential impacts of prospective closures on stated and economic values for key commercial, commercial passenger fishing vessel, and recreational harvesters. The methodology used to determine maximum potential impacts for the Proposed Regulation are described in ISOR Attachment 3 (pp 91-96).

Commercial Harvesters

The maximum potential net economic impact (profit in real 2007 dollars) to commercial harvesters under the Proposed Regulation (see Table 4) was estimated to be \$278,177 per year. In comparison, the estimated average annual baseline ex-vessel value for the study region from 2000–2007 was estimated to be \$23,865,216 and, based on business cost estimates derived from interviews, the estimated corresponding baseline net profit was \$9,289,008. Using these values, the estimated maximum potential percentage reduction per year under the Proposed Regulation was 3.0 percent.

Table 4. Estimated annual maximum potential net economic impacts to commercial harvesters by fishery relative to the base for the Proposed Regulation in the North Coast Study Region.

Fishery	Baseline Ex-Vessel Value	Baseline Profit	Proposed Regulation	
			Estimated Profit Loss (\$)	Estimated Profit Loss (%)
Anchovy/Sardine (Lampara Net)	\$44,428	\$7,553	\$506	6.7%
Dungeness Crab (Trap)	\$18,471,736	\$6,852,874	\$177,737	2.6%
Herring (Gillnet)	\$11,701	\$4,915	\$96	1.9%
Rockfish (Fixed Gear)	\$642,453	\$296,189	\$18,640	6.3%
Salmon (Troll)	\$3,027,616	\$1,249,463	\$32,366	2.6%
Shrimp (Trap)	\$251,315	\$93,286	\$0	0.0%
Smelt (Brail-Dip Net)	\$122,680	\$48,358	\$0	0.0%
Surfperch (Hook and Line)	\$26,431	\$12,167	\$2,389	19.6%
Urchin (Dive Captain)	\$896,780	\$465,151	\$29,637	6.4%
Urchin (Walk-on Dive)	\$370,076	\$259,053	\$16,805	6.5%
All Fisheries	\$23,865,216	\$9,289,008	\$278,177	3.0%

The estimated maximum potential impact to commercial harvesters was also calculated by port under the Proposed Regulation (Figure 2). In addition, it should be noted that the potential impacts to specific fisheries also vary by port.

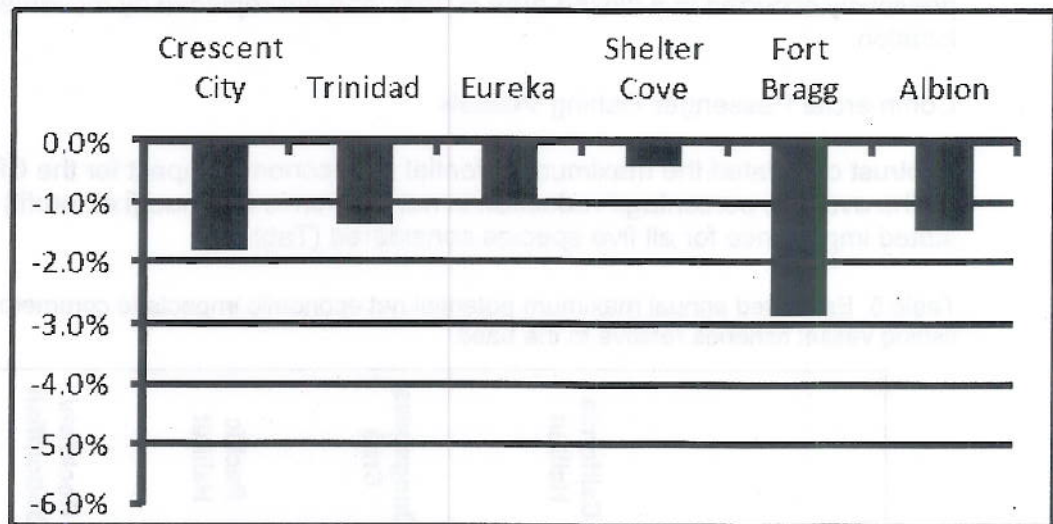


Figure 2. Estimated annual maximum potential net economic impacts of the Proposed Regulation to commercial harvesters by port.

Due to the aggregation of data necessary to maintain the confidentiality of individual fishermen's financial data, the average impacts across fisheries may not be representative of the true maximum potential impact to an individual fisherman and may actually underestimate the maximum potential impact to specific individuals.

That said, Ecotrust, as part of their assessment, was asked to provide summary information on any disproportionate impacts on individual fishermen and/or particular fisheries. This was based on lessons learned in the MLPA Central Coast Study Region, where significant disproportionate impacts were only discovered in the implementation phase, leaving limited options to lessen these impacts.

Ecotrust evaluated whether any port-fishery combinations may be disproportionately affected by the Proposed Regulation. To assess these impacts, Ecotrust used a box plot analysis to identify outliers within each fishery (calculated using estimated impacts on the stated value of total fishing grounds). In a box plot analysis, outliers are defined as extreme values that deviate significantly from the rest of the sample. Box plot analysis results can also inform convergence among MPA proposals within a fishery and/or relative potential impacts between fisheries. While no port-fishery combination is disproportionately impacted at a statistically significant level, the surfperch fishery may be disproportionately impacted relative to other fisheries. Similarly, while there are no statistically significant outliers for urchin, surfperch, or herring, the bi-modal nature of the potential impacts should be noted.

Recreational Harvesters

Ecotrust also analyzed the maximum potential impacts to commercial passenger fishing vessel (CPFV) operators and recreational fishermen (dive, kayak, and private vessel user groups only) in terms of percentage of the fishing grounds within the study region and percentage of stated importance values of fishing grounds within the study region. Estimated impacts represent impacts to areas of stated importance and not impacts on

level of effort or on spatial area of total fishing grounds. Similar to the commercial estimates of maximum potential impact, these estimates assume all fishing activity that previously occurred in a closed area is "lost" and not replaced by movement to another location.

Commercial Passenger Fishing Vessels

Ecotrust calculated the maximum potential net economic impact for the CPFV fisheries as the average percentage reduction in net economic revenue (i.e., profit) based on stated importance for all five species considered (Table 5).

Table 5. Estimated annual maximum potential net economic impacts to commercial passenger fishing vessel fisheries relative to the base.

Port	California Halibut	Dungeness Crab	Pacific Halibut	Rockfish/Bottomfish	Salmon
Crescent City	0.0%	0.0%	0.0%	0.0%	0.0%
Trinidad	0.5%	0.0%	0.0%	0.1%	1.7%
Eureka	0.0%	0.0%	3.0%	12.0%	1.9%
Shelter Cove	0.0%	0.0%	15.3%	6.9%	0.0%
Fort Bragg	0.0%	9.5%	0.0%	6.2%	11.6%

Other recreational harvesters

Recreational fisheries were stratified by port and user group (i.e., dive, kayak, and private vessel). See Table 6 for additional details.

While not actual economic losses, a loss in recreational fishing areas could lead to decreases in revenues to recreational fishing-dependent businesses.

Table 6. Estimated percentage of stated value of total recreational fishing grounds affected by port and user group for the Proposed Regulation.

Port	User Group	Abalone	California Halibut	Dungeness Crab	Pacific Halibut	Rockfish/Bottomfish	Salmon
Crescent City	Dive	0.0%	---	0.0%	---	0.4%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	3.1%	0.0%	3.8%	0.1%	0.4%
Trinidad	Dive	0.0%	---	0.0%	---	0.0%	---
	Kayak	---	---	---	---	0.0%	0.0%
	Private Vessel	---	0.0%	0.1%	0.0%	5.3%	0.4%
Eureka	Dive	0.0%	---	0.0%	---	15.6%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	0.1%	0.0%	0.8%	12.6%	0.1%
Shelter Cove	Dive	0.0%	---	0.0%	---	0.0%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	0.0%	0.0%	7.9%	8.9%	0.0%
Fort Bragg/ Albion	Dive	9.4%	---	0.0%	---	9.3%	---
	Kayak	---	---	---	---	6.8%	0.7%
	Private Vessel	---	17.8%	7.7%	22.9%	8.0%	4.3%

In the long term, the potential negative impacts may be balanced by potential positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas that prohibit bottom fishing for finfish, as well as through transport to distant sites.

The impacts of Proposed Regulation are essentially the same as the impacts for the Revised Round 3 North Coast Regional Stakeholder Group Marine Protected Area Proposal (RNCP). Attachment 15 contains a comparison of the impacts of the RNCP and the Enhanced Compliance Alternative.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial, CPFV, recreational fishing, and non-consumptive activities. An estimate of the number of jobs eliminated as a direct result of the proposed action is difficult to

determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and subsequently the long-term viability of these same small businesses. Jobs related to the non-consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

The benefit of the Proposed Regulation is the creation of a network component of MPAs in the north coast, protecting and enhancing natural resources and improving natural resources sustainability, consistent with the goals of the MLPA. From an economic and social perspective, the Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Non-monetary benefits to the health and welfare of California residents and to worker safety are not anticipated.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and are dependent on not only the impacts of the Proposed Regulation, but also other regulations and processes, expectations and implementation needs. Further discussion is needed to clarify the needs and expectations. Comprehensive DFG monitoring, management and enforcement for the North Coast Study Region cannot be absorbed by existing DFG budgets, and will result in significant funding and position needs.

The Department will incur costs associated with printing and installing new regulatory signage, and developing and printing public outreach materials. However, partnerships with state and federal agencies, academic institutions, and non-profit organizations are likely to continue to play an important role in assisting with MLPA implementation in coming years.

Current cooperative efforts with the Channel Islands National Marine Sanctuary, Monterey Bay National Marine Sanctuary, and Gulf of the Farallones National Marine Sanctuary have provided funding for some existing State costs, and cooperative efforts are expected to increase with the adoption of the proposed regulation. In addition to agency partnerships, during planning and implementation of the MLPA study regions (i.e., central coast, north central coast, and south coast), substantial funding in the millions of dollars were contributed by private fund sources including MLPAI partners, and through bond money distributed through the Ocean Protection Council. These contributions supported costs for baseline science and socio-economic data collection, signage, and outreach and education, among other things, and allowed for a greater outcome than may have been possible with Department funding alone. While it is

difficult to quantify the level of support that will be provided by partnerships in future years, the Department will continue to actively pursue and maximize such assistance.

Changes requiring additional enforcement, monitoring, or management will increase the recurring costs to the Department, and total state costs would increase as new study regions are designated and become operational. For the north coast, the near-term cost to implement the proposed MPAs will include one-time startup, a baseline data collection program, and recurring annual costs. In light of uncertainty regarding the cost for monitoring, funding due to the State's current fiscal crisis, and the level of future funding from external partners, the estimated new funding requirements by the state for MLPA in the north coast are unknown at this time.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: March 13, 2012